

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12578 of John B. Howerton, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against locating an open parking space in front of a dwelling (Paragraph 7205.12) and within ten feet of a dwelling (Paragraph 7205.21) to permit an open parking space in front of the dwelling in the R-3 District at the premise 3306 Prospect Street, N.W., (Square 1205, Lot 61).

HEARING DATE: February 15, 1978

DECISION DATE: March 1, 1978

FINDINGS OF FACT:

1. The subject property is located in an R-3 Zone District on the south side of Prospect Street, N.W., between 33rd and Bank Street, N. W.

2. The subject lot is approximately 1,303 square feet in area, and is improved with a two-story row dwelling.

3. The width of the subject property is 17.375 feet. The house is set back from the street line approximately twelve feet.

4. The proposed space would be slightly less than twelve feet long and would be nine feet wide. A parking space required by the Zoning Regulations must be nine feet wide by nineteen feet long.

5. If the proposed parking space were approved, there would of necessity, be a curb cut which would eliminate one on-street parking space.

6. An automobile utilizing the proposed space would overhang the property line, and encroach upon public space. A car parked in such a manner would also violate Section 79(c) of the D. C. Traffic Regulations.

7. The Municipal Planning Office by report dated February 10, 1978, recommended denial of this application on the grounds that a car parked on the proposed space would overhang the property line and encroach upon the public space.

8. Advisory Neighborhood Commission 3-A opposed the application on the grounds that the space would overhang the sidewalk and that approval of the application would not increase the number of spaces in the area, since it would result in the loss of one on-street parking space.

9. The Citizens Association of Georgetown opposed the application on the grounds that there is nothing to distinguish the subject property from adjoining houses, and that approval of the application would establish an unwarranted precedent. The Board so finds.

10. The adjoining property owners at 3304 Prospect Street, also opposed the application on the grounds that the parking space would be a health and safety hazard, being located under an existing window of their property.

CONCLUSIONS OF LAW AND OPINION

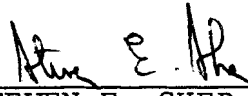
Based on the above findings and the evidence of record, the Board concludes that, in order to grant the requested variance, there must be a showing of something unique, extraordinary or exceptional about the lot, there must be a practical difficulty upon the owner and there must be no impairment of the intent and purpose of the Zoning Regulations. The Board concludes that there is nothing in the record to suggest that there is anything unusual about the property to distinguish it from adjoining property. The Board concludes that the owner has demonstrated no practical difficulty in the sense that term is used in the Zoning Regulations. The Board also concludes that the proposed parking space is contrary to the intent and purpose of the Zoning Regulations, by creating a space only twelve feet long, which would potentially allow cars to violate the Police Regulations as well. It is therefore ORDERED that the application be DENIED.

VOTE:

4-0 (William F. McIntosh, Chloethiel Woodard Smith and Charles R. Norris to deny, John G. Parsons to deny by proxy and Leonard L. McCants not voting, not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 30 MAR 1978